

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-14 are pending in the present application. Claims 13 and 14 are withdrawn. Claims 1-3, 5, 6, 11, and 12 are amended by the present amendment. As amended Claims 1-3, 5, 6, 11, and 12 are supported by the original disclosure,<sup>1</sup> no new matter is added.

In the outstanding Office Action, Claims 1-7, 11, and 12 were rejected under 35 U.S.C. §103(a) as unpatentable over Suzuki (U.S. Patent No. 6,256,356) in view of Flammer, III et al. (U.S. Patent No. 5,515,369, hereinafter “Flammer”) and further in view of Almgren et al. (“Adaptive Channel Allocation in TACS,” hereinafter “Almgren”); Claim 9 was rejected under 35 U.S.C. §103(a) as unpatentable over Suzuki in view of Flammer and further in view of Jamal et al. (U.S. Patent No. 6,724,813, hereinafter “Jamal”) and Pascual et al. (U.S. Patent No. 6,587,449, hereinafter “Pascual”); and Claim 10 was rejected under 35 U.S.C. §103(a) as unpatentable over Suzuki in view of Flammer and Almgren and further in view of Jamal. However, Claim 8 was objected to as dependent on a rejected base claim, but otherwise was indicated as including allowable subject matter if re-written in independent form.

Applicants gratefully acknowledge the indication that Claim 8 includes allowable subject matter.

With regard to the rejection of Claims 1, 11, and 12 under 35 U.S.C. §103(a) as unpatentable over Suzuki in view of Flammer and further in view of Almgren, that rejection is respectfully traversed.

Claim 1 recites in part:

transmitting the pseudo-random sequence seed to the  
plurality of mobile terminals; and

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<sup>1</sup>See, e.g., the specification at page 7, lines 15-21.

generating an identical pseudo-random sequence as generated at the fast allocation controller at each of said plurality of mobile terminals based on the pseudo-random sequence seed so that each mobile terminal identifies a resource allocated thereto by the fast allocation controller.

Thus, as the invention recited in Claim 1 includes generating the *identical* pseudo-random sequence at each of said plurality of mobile terminals based on the pseudo-random sequence seed, if a base station reports an excessively high level of interference to a fast allocation controller, the fast allocation controller transmits to the base station and has transmitted by the base station to the mobile terminals an instruction to change allocation using the common control channel BCH (Broadcast Channel) so that all the mobile terminals take into account the new allocation according to a new value of a pseudo-random sequence seed. Likewise, if a mobile station detects an excessively high level of interference, it can indicate this via the base station to the fast allocation controller, which then can decide whether or not to carry out a new allocation, operating as before. In all cases, the dynamic allocation can take place without having to explicitly transmit, over the radio links, the values of the new resources allocated.

In contrast, Flammer describes a method of frequency sharing between nodes in a network where each node receives a *unique*, i.e. different, seed value from every node it is communication with.<sup>2</sup> Each time a new link is established between nodes, the receiving node receives a unique seed from the source node, and thus generates a different pseudo-random sequence for each source node the receiving node is in contact with. Thus, not only does Flammer fail to teach or suggest generating an *identical* pseudo-random sequence at each of a plurality of mobile terminals, Flammer describes a device that performs completely opposite to this feature. Consequently, Claim 1 (and Claims 2-10 dependent therefrom) is patentable over Suzuki in view of Flammer and further in view of Almgren.

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<sup>2</sup>See Flammer, column 5, lines 5-12 and 46-48.

With regard to Claim 11, Claim 11 recites in part:

a fast allocation controller associated with the base station and configured to generate a pseudo-random sequence at a first regular interval, ***transmit a seed for each first regular interval for generating the pseudo-random sequence to the plurality of mobile terminals***, and ...

said mobile terminals further configured to ***generate an identical pseudo-random sequence as generated at the fast allocation controller*** at each mobile terminal based on the seed so that each mobile terminal identifies a resource allocated thereto by the fast allocation controller.

Since Flammer does not teach or suggest either of the above noted features, as noted above with respect to Claim 1, the proposed combination of Suzuki in view of Flammer and further in view of Almgren does not teach or suggest “a fast allocation controller” and “mobile terminals” as defined in Claim 11. Thus, Claim 11 is patentable over Suzuki in view of Flammer and further in view of Almgren.

Claim 12 recites in part:

transmitting the seed for generating the pseudo-random sequence from the base station to each mobile terminal at a predetermined frequency;

***generating an identical pseudo-random sequence as generated at the fast allocation controller*** at each mobile terminal based on the seed so that each mobile terminal can identify a resource allocated thereto by the base station.

Since Flammer does not teach or suggest either of the above noted features, as noted above with respect to Claim 1, the proposed combination of Suzuki in view of Flammer and further in view of Almgren does not teach or suggest “transmitting” and “generating” as defined in Claim 12. Claim 12 is also patentable over Suzuki in view of Flammer and further in view of Almgren.

With regard to the rejection of Claim 9 as unpatentable over Suzuki in view of Flammer and Almgren and further in view of Jamal and Pascual, it is noted that Claim 9 is dependent from Claim 1, and thus is believed to be patentable for the reasons discussed above. Further, it is respectfully submitted that Jamal and Pascual do not cure any of the

Application No. 10/052,458  
Reply to Office Action of February 13, 2007

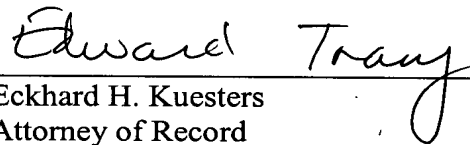
above-noted deficiencies of Suzuki, Flammer, and Almgren. Accordingly, it is respectfully submitted that Claim 9 is patentable over Suzuki in view of Flammer and Almgren and further in view of Jamal and Pascual.

With regard to the rejection of Claim 10 as unpatentable over Suzuki in view of Flammer and Almgren and further in view of Jamal, it is noted that Claim 10 is dependent from Claim 1, and thus is believed to be patentable for the reasons discussed above. Further, it is respectfully submitted that Jamal does not cure any of the above-noted deficiencies of Suzuki, Flammer, and Almgren. Accordingly, it is respectfully submitted that Claim 10 is patentable over Suzuki in view of Flammer and Almgren and further in view of Jamal.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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